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DATE: July 8, 2008

Our File No. 10890-1C

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Enclosed are:

- 1. Transmittal Form (1 sheet)**
- 2. Petition Under 37 CFR 1.81 (1 sheet)**

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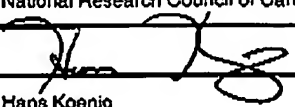
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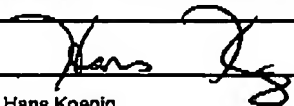
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/556,372	
	Filing Date	08/08/2008	
	First Named Inventor	Bernard Massie et al.	
	Art Unit	1639	
	Examiner Name	Christopher M. Gross	
Total Number of Pages in This Submission	2	Attorney Docket Number	10890-1C

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Petition to remove finality of office action		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	National Research Council of Canada		
Signature			
Printed name	Hans Koenig		
Date	July 8, 2008	Reg. No.	46,474

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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Typed or printed name	Hans Koenig	Date	July 8, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUL 08 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Bernard Massie et al

Serial No: 10/656,372

Filing Date: 09/08/2003

Examiner: Christopher M. Gross

Art Unit: 1639

Title: **Efficient Generation of Adenovirus-based Libraries**

Docket No: 10890-1C

July 8, 2008

To: Mail Stop AF
Commissioner for Patents
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Sir:

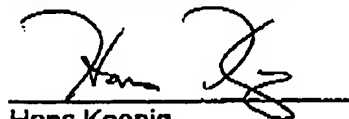
PETITION UNDER 37 CFR 1.181

In respect of the present application, it is hereby requested that the Finality of the Office Action dated June 20, 2008 be removed.

The Office Action dated June 20, 2008 raises new grounds of rejection that were neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement. The new grounds are rejections under 35 USC 103 not raised previously on this application by the Examiner.

The previous Office Action of October 12, 2006 raised only a claim dependency issue and a 35 USC 102 issue, and the previous Office Action of May 3, 2007 raised only a priority claim issue and a restriction requirement. The minor claim amendments made in response to these issues did not necessitate the new rejections.

Respectfully submitted,



Hans Koenig
Patent Agent for Applicant
Regn No: 46,474

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